THE HON'BLE SRI JUSTICE C.Y.SOMAYAJULU

WRIT PETITION NO.4825 of 1996

DATE: 23-12-2005

Between:

1. Reddy Appalaswamy and others

.. Petitioners

A n d

1. The District Collector, Vizianagaram and another.

..Respondents

THE HON'BLE SRI JUSTICE C.Y.SOMAYAJULU

WRIT PETITION NO.4825 of 1996

ORAL ORDER:

This petition is filed questioning the notice issued by the second respondent under Section 6 of the Land Encroachment Act, 1894 (for short – the Act), on the ground that the same was issued even without issuing a notice under Section 7 of the Act.

Though the writ petition was filed in 1996, respondents did not choose to file their counter affidavit till today. So, it has to be presumed that the impugned notice was issued even without issuing the notice under Section 7 of the Act.

Therefore, this petition is disposed of with a direction to the second respondent to treat the impugned notice as a notice under Section 7 of the Act and consider the reply dated 01-03-1996 sent by the petitioners and pass orders after affording an opportunity of being heard as expeditiously as possible. No order as to costs.

(C.Y.Somayajulu, J.)

Date: 23-12-2005

Cvrk